

## **PROFFER STATEMENT**

Re: Ellerslie Farm Subdivision Rezoning

Helen F. Helm Property (Owner) and Richard M. Barb, LLC (applicant)

139.48 Acres, PIN # 6888-13-8870 & 6888-15-4359

Lee Magisterial District, Fauquier County, Virginia

Revised: June 18, October 9, December 4 & 17, 2002, & February 4, 2003

Helen F. Helm, owner and Richard M. Barb, LLC, applicant, hereby proffer that the use and development of this property shall be in accordance with the following conditions:

1. Concept Development Plan and Zoning Plat

- a. The zoning of the Property will be in accordance with the boundaries shown on a Plat dated December 13, 2001, containing 130.3206 acres and a Plat dated April 10, 2002, containing 9.1622 acres, both Plats prepared by Benchmark Surveying and Land Planning, Culpeper, Virginia
- b. The overall development of the Property will be generally as shown on the Concept Development Plan prepared by Bowman Consulting Group, dated December 3, 2002.

2. Land Use Regulations

The development and use of the Property will conform to the regulations of the respective R-2 Cluster Zoning District, these proffers, and the development shown on the Concept Development Plan (CDP). The number of clustered residential lots will not exceed one hundred ninety -eight (198) and will be constructed in six (6) phases with no more than forty (40) lots to be recorded per year for the first two years. The remaining four (4) phases will be restricted to no more than thirty (30) lots to be recorded in any one calendar year.

3. Water and Sanitary Sewer

- a. The applicant agrees to apply to Fauquier County Water and Sanitation Authority (FCWSA) for public sanitary sewer service, which presently exist along Tin Pot Run. FCWSA has capacity available to serve the overall development of the Property at its Remington/Bealeton Regional Wastewater Treatment Plant.
- b. The applicant agrees to apply to the Town of Remington for public water service and will work with the Town to satisfy their requirements to supply services to the Property. The Applicant will enter into an agreement for water services with the Town prior to the recordation of the first Phase of development of Ellerslie Farm Subdivision.

## **PROFFER STATEMENT – Ellerslie Farm Subdivision Rezoning**

Revised: June 18, October 9, December 4 & 17, 2002 & February 4, 2003

Page 2 of 5

### **4. Environmental Protection**

- c. The R-2 clustered development of the Property will provide at a minimum, 50% of the Property in open space, part of which will include the 100 Year Floodplain Valley along Tin Pot Run, as shown on the CDP. The Applicant proffers to dedicate to Fauquier County an open space easement of approximately 28 +/- acres on the south side of Tin Pot Run for a Park. The Applicant requests that it be named **“FIFIELD PARK”** in honor of the owner’s father, who served the Town of Remington for many years. The applicant will dedicate a temporary emergency and maintenance vehicle access easement from the north side of Tin Pot Run to the Park area until the County establishes a permanent access from Center Street or any other public access from Fifth Street.
- d. The Applicant will provide overall stormwater management for the development and will implement measures consistent with the recommendation identified in the Best Management Practices Handbook for the Occoquan Watershed.
- e. Any affected delineated “Wetlands” identified on the Property will be mitigated on-site, along Tin Pot Run. The mitigation areas have been preliminary identified by our consultant, (shown on the CDP as a proposed 300’ easement) and will be submitted to the applicable Federal, State and Local Agencies for permits.
- f. The Applicant has obtain a Preliminary Soils Study and has been submitted with this application for review by the Fauquier County Soil Scientist, so that the proposed construction can be determined to be adequate and appropriate for the soils supporting the construction.

### **5. Transportation**

- a. The Applicant, at its sole expense, will provide vehicular access through the Development by internal roads and connector roads generally in the locations shown on the Concept Development Plan. All roads built on the property will be designed and constructed to Virginia Department of Transportation design and construction standards. Alleys will be designed and constructed in accordance with the Fauquier County Subdivision Ordinance, Section 5-10.
- b. The Applicant will work with the Virginia Department of Transportation in designing and constructing lane tapers and right turn lanes for both entrances that access the Property from Business Route 15 & 29 ( James Madison Street ). The timing of these improvements will be at the first building permit for any phase of development that includes a lot that abuts either proposed entrance. Final surface pavement is not required at this time, however all other entrance improvements are required.

**PROFFER STATEMENT – Ellerslie Farm Subdivision Rezoning**

Revised: June 18, October 9, December 4 & 17, 2002 & February 4, 2003

Page 3 of 5

- c. The Applicant proffers a cash contribution to the Virginia Department of Transportation in the amount of \$ 15,000.00 towards the future traffic signal or any other intersection improvement located at the proposed intersection of Milic Blvd. and Relocated Business Route 29/15. This one time contribution will be made at the beginning of the 5<sup>th</sup> Phase of development of the Property.
6. Public Service and Community Facility Use
- a. The Applicant proffers a cash contribution of Eleven Thousand Eight Hundred- Ninety Dollars ( \$ 11,890.00) per dwelling unit, beginning with the 115<sup>th</sup> lot for which an application for building permit has been submitted. This cash contribution will be directed to costs anticipated to be generated by the development of the property, to be spent by Fauquier County for schools. The Applicant's per lot contribution will be made at the time of building permit for each additional dwelling for an aggregate amount of \$ 998,760.00.
  - b. The Applicant agrees to contribute \$ 1, 363.00 per dwelling to a fund that directly benefits the Remington Volunteer Fire Department and Rescue Squad, to be shared equally, starting with the 115<sup>th</sup> dwelling of the development and continue for each additional dwelling for an aggregate amount of \$ 114,492.00
  - c. The Applicant agrees to provide and install the following: 1.) a paved trail from the end of the proposed cul-de-sac on the Property, through the open space on the Property, and continuing through the existing open space of Lee's Glen Subdivision, then connecting to the existing trail at Lee's Glen Subdivision along Business Route 29 & 15; 2.) two active recreational play structure (tot lots) to be located in the open space within the development; 3.) two passive recreational gazebos, also located within the open space of the development. Plans will be submitted to the County for review at the time of Preliminary subdivision application and shall be approved at the time of final Subdivision Plat.  
The timing of the installation of the recreational facilities will be phased as follows:
    - Phase 1 – One active recreational play structure (tot lot)
    - Phase 2 – One passive recreational gazebo
    - Phase 3 – Trail from end of cul-de-sac to existing Lees Glen trail
    - Phase 4 – One active recreational play structure (tot lot)
    - Phase 5 – One passive recreational gazebo
  - d. The applicant agrees to proffer at the time of building permit the respective amount as follows:

**PROFFER STATEMENT – Ellerslies Farm Subdivision Rezoning**

Revised: June 18, October 9, December 4& 17, 2002 & February 4, 2003

Page 4 of 5

1. \$ 389.00 per dwelling unit for the Sheriff Office beginning with the 115<sup>th</sup> dwelling, for an aggregate amount of \$ 32,676.00.
  2. \$ 730.00 per dwelling unit for the County Parks and Recreation, beginning with the 115<sup>th</sup> dwelling unit, for an aggregate amount of \$ 61,320.00.
7. Public Service and Community Facility Use (cont.)
3. \$ 303.00 per dwelling unit for County Library, beginning with the 115<sup>th</sup> dwelling unit, for an aggregate amount of \$ 25,452.00.
  4. \$ 179.00 per dwelling unit for an Environmental Fund for the Remington Area, beginning with the 115<sup>th</sup> dwelling unit, for an aggregate amount of \$ 15,036.00.

In the event that monetary contributions contained in this Revised Proffer Statement are paid to Fauquier County Board of Supervisors following the date of approval of this rezoning, said contributions shall be in those amounts as stated herein. Contributions paid after the initial year from the date of approval of Ellerslies Farm Subdivision Rezoning shall be adjusted in accordance with the Urban Consumer Price Index ( “CPI – U”) published by the United States Department of Labor, calculated from the CPI-U published most nearly to and following January 1<sup>st</sup> of the aforesaid initial year to the date the contribution are paid, subject to a cap of three percent (3%) per year, non-compounded.

8. Landscaping and Buffering

The Applicant will preserve and reserve environmental features wherever possible, will make reasonable efforts to enhance the aesthetic image of the development and will ensure the quiet enjoyment of the neighboring landowners. The Applicant shall establish buffers of not less than fifty (50') feet between the proposed lots of the Property and the property lines of offsite adjacent properties and right-of-ways of Business Route 15 & 29 (James Madison Street ) and Route 15 & 29 ( James Madison Highway) as shown on the Concept Development Plan. In addition, a landscape plan in accordance with Article 7, Part 4 Tree Canopy, Landscape and Buffer Requirements of the Fauquier County Zoning Ordinance will be submitted for review and approval in conjunction with the Final Subdivision Plat.

**PROFFER STATEMENT – Ellerslie Farm Subdivision Rezoning**

Revised: June 18, October 9, December 4 & 17, 2002 & February 4, 2003

Page 5 of 5

9. Signature and Authority

The undersigned is an authorized signature of Helen F. Helm, Owner and Richard M. Barb LLC, Applicant of the Property which is the subject of this rezoning application. This proffer statement is to be binding on the Owner and Applicant, their successors, heirs and assigns of the Property.

OWNER: \_\_\_\_\_  
Helen F. Helm Date

APPLICANT: \_\_\_\_\_  
Richard M. Barb, LLC Date

STATE OF VIRGINIA

COUNTY OF FAUQUIER to wit:

I, the undersigned Notary Public, in and for the state and county aforesaid, whose commission expires on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, do hereby certify that Helen F. Helm, whose name is signed to the foregoing Proffers, appeared before me and personally acknowledged the same in my jurisdiction aforesaid.

GIVEN under my hand and seal this \_\_\_\_\_ day of \_\_\_\_\_, 2002

\_\_\_\_\_  
Notary Public

I, the undersigned Notary Public, in and for the state and county aforesaid, whose commission expires on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, do hereby certify that Richard M. Barb, whose name is signed to the foregoing Proffers, appeared before me and personally acknowledged the same in my jurisdiction aforesaid.

GIVEN under my hand and seal this \_\_\_\_\_ day of \_\_\_\_\_, 2002

\_\_\_\_\_  
Notary Public